

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Patrick Carney,

Civil No. 05-2967 (DWF/JJG)

Petitioner,

v.

ORDER

Warden R.L. Morrison,

Respondent.

Patrick Carney, *Pro Se*, Petitioner.

Erica H. MacDonald, Assistant United States Attorney, United States Attorney's Office,
counsel for Respondent.

Based upon the Report and Recommendation by United States Magistrate Judge
Jeanne J. Graham dated April 28, 2006; all the files, records, and proceedings herein; and
no objections having been filed to that Report and Recommendation;

IT IS HEREBY ORDERED that:

1. Petitioner's Petition for a Writ of Habeas Corpus (Doc. No. 1) is
DISMISSED as MOOT since a more favorable decision on the merits would not entitle
Petitioner to any additional relief.

2. Respondent's Motion to Dismiss (Doc. No. 11) is **GRANTED**.

3. Petitioner's case is **DISMISSED WITH PREJUDICE**.

Dated: May 22, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court